IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Bail Appl..No. 7091 of 2007(B)

(CRIME NO. 469/2007 OF SULTHAN BATHERY POLICE STATION)
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PETITIONER/ACCUSED:

SHEELA K.K.
W/O.SURESH KUMAR
THEKKE PANANGAD HOUSE
PAZHUPATHUR P.O, WYNAD.

BY ADV. SRI.V.RAJAGOPAL.

RESPONDENT/ COMPLAINANT:

STATE , SHO SULTHAN BATHERY
(CRIME NO. 469/07) REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTORSRI. GIKKU JACOB.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/11/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7091 of 2007

Dated this the 21st day of November 2007

O R D E R

Application for anticipatory bail. The petitioner, a woman, faces allegations under Section 326 I.P.C. The de facto complainant is also a woman. The husband of the de facto complainant had allegedly gone to the house of the accused. The de facto complainant went to the house of the accused and wanted her husband to come out. A quarrel and altercation did ensue. In that the de facto complainant had lost her tooth (two in number). Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner was not the aggressor but only the victim of aggression. The de facto complainant, had triggered all the incident. In fact, the petitioner has suffered an injury also; but she did not want to make it an issue and did not go to the doctor or to the police station immediately. Realising the injury as serious, she had later gone to the doctor; but before that on the complaint of the de facto complainant, these proceedings have been initiated.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied in the facts and circumstances of this case to which brief reference has already been made above that the petitioner can be granted anticipatory bail subject to appropriate terms and conditions.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 28/11/2007. She shall be released on regular bail on condition that she executes a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make herself available for interrogation before the investigating officer between 10 a.m and 3 p.m on 29/11/2007 and 30/11/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon until further orders. During this period, the investigating officer shall be at

liberty to interrogate the petitioner in custody and take all necessary steps.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law, as if these directions were not issued at all.

(iv) If she were arrested prior to 28/11/2007, she shall be released from custody on her executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 28/11/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007